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it was not necessary to show that the statements were not induced by fear, threats or the hope of leniency.

A confession in criminal law, is the voluntary declaration of guilt made to another by a person who has committed a crime. *People v. Strong*, 30 Cal. 151. Such confession must be voluntary, that is, not induced by any promise of forbearance or threat of punishment. *Hopt v. Utah*, 110 U. S. 574, 584. A confession is restricted to an acknowledgment of having committed the act for which the confessor is being tried. *People v. Parton*, 49 Cal. 632; *State v. Jackson*, 95 Mo. 623. So a statement of fact not constituting an actual confession of guilt is not a confession and is not admissible as such. It may, however, be admissible as an admission. *State v. Picton*, 51 La. 624.

CRIMINAL LAW—EVIDENCE—TESTIMONY ON A FORMER TRIAL.—*HOLIFIELD V. CITY OF LAUREL*, 50 So. 488 (Miss.).—*Held*, that testimony of a witness against the defendant on a prosecution in the police court may not be used on the trial on appeal to the circuit court, though the witness has removed from the state.

The general rule is that where testimony was given under oath, in a judicial proceeding, to which the adverse litigant was a party, and where he had the power to cross-examine, the testimony so given is admissible in any subsequent suit between the parties, after the decease of the witness, or when he is out of the jurisdiction of the court, or when he cannot be found after diligent search, or when he is being kept away by the opposite party. 1 *Greenleaf Ev.*, 16th ed., Sect. 163. But, the courts of this country are not in harmony on this point. In some jurisdictions such evidence has been ruled inadmissible, unless it appeared that the witness was absent through the connivance, or by the procurement of the accused. *State v. Wing*, 66 Ohio St. 407. While other courts have held such evidence admissible only when the doctrine of necessity arises; *i. e.*, when no amount of diligence can bring the witness into court. *State v. Jordan*, 34 La. Ann. 1219. And such evidence is inadmissible, unless it is shown that the full process of the court has been vainly invoked in an effort to compel the attendance of the absent witness. *State v. Evans*, 65 Mo. 574. But in any case it must be shown that the defendant had the opportunity of subjecting the witness to cross-examination at the former trial. *Garcia v. State*, 12 Tex. App. 335.

GRAND JURY—QUALIFICATION OF JURORS—TAXABLE PERSONS—*NORTH CAROLINA STATUTE*.—*U. S. v. BREESE, ET AL.*, 172 Fed. 761.—*Held*, that a code provision providing that grand jurors should be selected from persons only who had paid tax for the preceding year, does not disqualify a person from being a legal grand juror who did not own property above the amount exempt from taxation, and was not therefore assessed with any tax for the preceding year.

The disqualification of a grand juror prescribed by statute is a matter of substance, which cannot be regarded as a mere defect or imper-

fection of form, within the meaning of a statute providing that no indictment shall be deemed insufficient, or the trial, judgment or other proceedings thereon be affected, by reason of any defect or imperfection in matter of form only, which does not tend to the prejudice of the defendant. *Crowley v. U. S.*, 194 U. S. 461. Under the code provision mentioned in headnote, an indictment was rightly quashed when three of the grand jurors had not paid taxes for the preceding year. *State v. Durham Fertilizer Co.*, 111 N. C. 658. But objection under said code provision does not disqualify a grand juror 21 years old, who was not liable for poll tax the preceding year, and may have had no property liable to taxation. *State v. Perry*, 122 N. C. 1018. A covenant to transfer all his taxable property does not make one ineligible to serve as grand juror under such a statute. *Commonwealth v. Reynolds*, 4 Leigh (Va.) 663. Where a person appears on the assessment roll as owning no land except that which is exempt, he is a taxable person within a statute requiring grand jurors to be taxable persons. *State v. Carlson*, 39 Ore. 19.

INJUNCTION—COMBINATIONS—INTERFERENCE WITH CONTRACT BY THIRD PERSONS.—*HITCHMAN COAL CO. v. MITCHELL ET AL.*, 172 FED. 963.—*Held*, that an employer and employes may lawfully contract with respect to the terms of employment, and as incidental thereto that the employes shall not join a labor union and that the employer shall not employ union men; and when such a contract has been made, a combination between officers or members of a labor union, to induce either party to violate the contract, with which they have no rightful concern, constitutes an unlawful conspiracy, to restrain the carrying out of which, the other party is entitled to an injunction.

The preponderance of authority is in accord with the leading case and, as a general rule, equity will grant an injunction to restrain a combination, which is formed to induce employes, who are not dissatisfied with the terms of their employment, to strike for the purpose of inflicting damage upon the employer. *Hamilton-Brown Shoe Co. v. Saxe*, 131 Mo. 212; *United States v. Haggerty*, 116 Fed. 510. And likewise, where one adopts a system in his business of employing only non-union workmen, and of stipulating in his contracts with them, that they shall join no union, interference therewith, enticing, or endeavoring to entice them to join a union will be enjoined. *Flaccus v. Smith*, 199 Pa. 128. But inducements offered by way of entreaty and persuasion, where intimidation is not used, have been held insufficient to grant an injunction. *Reynolds v. Everett*, 144 N. Y. 189. But in such cases the remedy is damages in a court at law. *Haight v. Bodgeley*, 15 Barb. 499. And the right of employers to sue for relief, where third parties are interfering, in any manner whatsoever, with their employes, against the latter's consent, has been upheld. *Frank & Dugan v. Herold*, 63 N. J. Eq. 443. And, in accord, an injunction is the proper remedy to restrain third parties from doing acts, or making threats and inducements, without justifiable cause, to prevent a party to a contract, from carrying out the same. *Employing Printers Club v. Blosser*, 122 Ga. 509; *American Law Book Co. v. Thompson*, 84